



Maine Stater

PUBLISHED BY THE MAINE STATE EMPLOYEES ASSOCIATION

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VOL. XXII, No. 2

MARCH 2, 1987

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Bargaining Update:

One Contract Tentatively Settled, Delay in Others

On Thursday, February 26, negotiators for the union and state arrived at a tentative contract agreement covering 140 Vocational-Technical Institute employees represented by MSEA. Meanwhile, statewide negotiations have yet to get off the ground, judicial unit talks are underway, and Local 5 is now in mediation with the City of Lewiston.

Last year, legislation separated the Vocational-Technical Institute from state government; two MSEA-represented units of employees — supervisory and support services — were developed following the split. Contract negotiation for the units began in the fall of 1986, led by Assistant Negotiator Chuck Hillier.

"A 35-hour 'marathon' bargaining session which ended in the early afternoon of February 26 produced an agreement for VTI workers" said Hillier. "It's very similar to the recent one-year settlement for state workers."

The tentative agreement will now go out to VTI membership for a ratification vote. Meetings to explain its contents will be held on VTI campuses throughout the state over the next two weeks.

MSEA Chief Negotiator Steve Leech reports that statewide negotiations have now been postponed three successive times by the Governor's Office of Employee Relations; they are currently scheduled to begin March 10. Leech recently wrote State Negotiator Ken Walo about the union's concern over these talks.

"MSEA is committed to do everything necessary to achieve a tentative agreement with the State prior to July 1st," Leech wrote. "Governor McKernan has publicly endorsed a reciprocal commitment. It is our sincerest hope, therefore, that despite these delays in the commencement of bargaining, that this mutual commitment to 'good faith and timely' negotiations will be manifest in the scheduling of and over-all attention to these negotiations in the few months that will remain prior to July 1st."

Leech also noted that negotiations with the Judicial Department began on January 29 and are aimed at the same June 30 expiration date as the statewide and now VTI agreements.

MSEA's Local 5, Lewiston City government workers, have had difficult bargaining since last September, and have now entered mediation. John Alfano, formerly a staff member of the Maine Teachers Association, is serving as mediator in those talks, which seek a successor contract to the one which expired last Christmas.

1987 MSEA Legislative Program

Union Priorities in the First Session of the 113th

The Maine State Employees Association has an ambitious legislative program to pursue in behalf of Maine public employees before the 113th Legislature between now and the end of June, when the first session of the biennium draws to a close. As the McKernan Administration moves into the legislative process and its budget and other legislative goals become clearer, MSEA also anticipates increased political action this spring on a variety of public sector issues. Strengthening of the collective bargaining process is always at the top of the union's agenda; employee health and safety, job security, political rights and protection of retiree benefits are among other important issues to address this year.

MSEA member support is a vital element in successfully achieving the legislative goals listed below. Members will be called upon to show their support, testify in behalf of those goals, and contact their legislators. Become involved! Further information about bill numbers and sponsors, public hearing dates, and legislative work sessions — and votes — will be provided to members by the union as it becomes available.

AN ACT to Allow Increased Participation of State Employees in the Electoral Process

When the present Civil Service Law was recodified, there was an effort to consolidate provisions related to political activity of state employees. This bill completes that effort and increases state employee rights to participate in the electoral process. State employees may only be a candidate for local and county partisan office if they receive a statement from the

Director of the Bureau of Human Resources that they are not covered by the Federal Hatch Act. State employees may participate in raising and solicitation of political funds but may not coerce contributions from other state employees. Coercion is defined consistently with decisions under the Federal Hatch Act and applies to all state employees even if not covered by the act. State employees are also prohibited from soliciting from citizens with whom they have dealings in official capacity. This bill does not cover elected officials or officers and employees of the Legislature.

AN ACT to Amend the State Tort Claims Act

A recent court decision demonstrated that public employees performing sensitive work mandated by law are open to allegations of constitutional and intentional torts, but have no assurance under the law that the governmental entity will defend them against such allegations. This bill provides that the governmental entity shall defend these employees and indemnify them if they are acting within the course and scope of their employment. If they are found by the court to be acting outside the course and scope of their employment, the governmental entity may refuse to indemnify them.

AN ACT to Protect the Integrity of the Civil Service System and to Set Standards for the Contracting of Service by the State

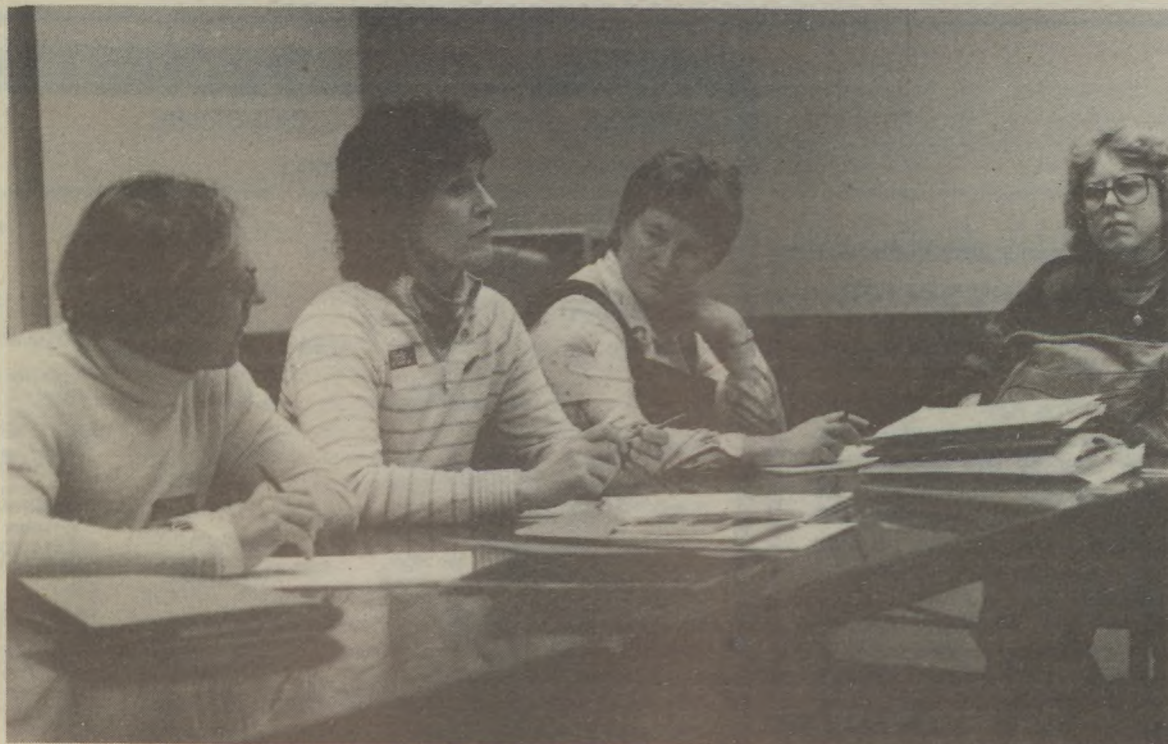
This bill establishes standards which must be met by State

— Continued on p. 2

Retiree Major Medical Coverage Expands on May 1

Last fall, when the MSEA contract covering active employees was settled, one provision gave them increased coverage under the Health Insurance Program's Major Medical — from \$50,000 per illness to \$1 million per individual contract. (This applies to major medical bills, not hospital costs, which are already paid by Blue Cross/Blue Shield and not subject to a cap).

In February, the Board of Trustees of the Maine State Health Insurance Program voted to extend that same increased major medical coverage to retired members of the Maine State Employees Health Insurance Program. Retirees will now have, effective May 1, 1987, \$1 million lifetime major medical coverage.



Steward Conference: AMHI chief steward Muffie Smith (center) addresses a point during one of many workshops at the February 20-21 gathering at the Augusta Civic Center. More, pp. 4-5.

Legislative Program (Continued from p. 1)

government before it contracts for services outside of the Civil Service System. Notice of intent to contract must be given to employee representatives, the Joint Standing Committee on Appropriations, and interested parties. The Commissioner of Administration is empowered to conduct hearings when requested under the Administrative Procedures Act.

AN ACT Relating to State-leased Property and to Air Quality Standards

Due to construction practices instituted as a response to the energy crisis, "tight building syndrome" has become a significant problem in state buildings, posing potentially serious health risks to workers and members of the public who conduct business. Current health and safety laws and enforcement mechanisms have not adequately addressed the concerns of affected parties. Lack of enforceable air quality and air ventilation standards have been recognized as hindrance to resolving problem cases, as has the lack of sufficiently specific lease provisions in leased buildings. This bill authorizes the Joint Standing Committee on local and state government to review the situation and make recommendations to the Second Session.

AN ACT to Clarify the Education Reform Act Regarding Teachers Employed by the State of Maine

This bill clarifies the state's responsibility to negotiate competitive pay schedules for state teachers and related classifications.

AN ACT Relating to the State Health Insurance Program and the Bureau of State Employee Health

This bill will implement recommendations of the Health Labor/Management Committee:

- reorganize Bureau of State Employee Health into three divisions: Benefits, Health Planning and EAP
- transfer oversight responsibilities from Health Insurance Board to Labor/Management Committee.

AN ACT to Amend the Civil Service Law

This bill requires the Policy Review Board to study the feasibility of replacing inefficient temporary clerical service contracts with a pool of classified clerical employees. The bill also removes the weekly hour limitation on intermittent seasonal employees and replaces it with an annual limitation. The current restraint prevents departments from hiring employees on a seasonal basis for certain projects.

AN ACT to Clarify and Amend Maine State Retirement Law

This bill establishes minimum standards for funding improvements in retirement benefits established through collective bargaining for State employees, teachers or participating local district employees.

AN ACT Relating to the State Employee Assistance Program

This bill clarifies the funding relationship between the State

Employee Assistance Program and the Bureau of State Employee Health Internal Service Fund Account. It further clarifies that the program covers all executive branch employees, families and retirees.

The bill also makes it possible for employees and family members within the judicial branch, the Maine Vocational-Technical Institute System and the Maine Turnpike Authority to become part of the program by negotiating an agreement to join and paying a fee to the program.

AN ACT to Promote On-Site Daycare in State Government

The current program of reimbursement of costs for hospitals and nursing homes tends to reward those institutions that make no effort to accommodate employees through the provision of daycare programs. By enabling institutions with acceptable proposals to pass legitimate costs through the state encourages the development of on-site programs. Where such programs also involve state employees, the interest of the state is better served. This is particularly true in locations where there are not enough state employees to justify the development of a program for the state alone.

AN ACT to Consolidate and Improve the Administration of Workers' Compensation in State Government

The administration of workers' compensation claims against the state is decentralized. Current budgeting procedures do not require separate reporting of these costs to the Legislature.

By consolidating administration of state workers' compensation costs in the Department of Administration and requiring line item budget requests and an annual report to the Legislature, consistent policy for administration and planning can be established.

AN ACT Relating to the Cost-of-Living Formula for Retirees Under the Maine State Retirement System

The Retirement System is funded based upon an actuarial assumption that benefits are increased by 4% per year. 4% is the maximum cost-of-living adjustment permitted under the law even in years when inflation is much higher. However, retirees do not receive the full benefit of the contributions in years when inflation is below 4%. This bill corrects this inequity by allowing the excess over 4% to be carried forward to future years.

See the next issue of the **Stater** for a complete discussion of the problems with the current job classification system and MSEA programs to improve it.

Income Protection Program: New Salary Classes Offered

MSEA's Income Protection program has been revised to offer increased coverage to eligible union members. One salary class has been changed and **four** new classes added, and an open enrollment period established for those eligible to increase their coverage to the four new salary classes.

Class 13 is now \$23,400 to \$25,200 for the \$100-\$1,300 monthly benefit. New classes are:

14 \$25,200-\$27,000 for the \$100-\$1,400 monthly benefit

15 \$27,000-\$28,800 for the \$100-\$1,500 monthly benefit

16 \$28,800-\$30,600 for the \$100-\$1,600 monthly benefit

17 \$30,600 and over for the \$100-\$1,700 monthly benefit

An open enrollment period, April 1-30, 1987 has been set for members eligible to increase their coverage to classes 14, 15, 16 and 17.

• Employees at maximum coverage in salary classes 11, 12 and 13 may increase their coverage up to \$300 per month without evidence of insurability.

• Employees **not** at their maximum coverage in salary classes 11, 12 and 13 may only increase their coverage by \$200 per month, unless they submit evidence of insurability.

Effective date of coverage is May 15, 1987.

LETTERS To The Editor



The Maine Stater welcomes letters from MSEA members on issues of general concern to the membership!

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(USPS 709-700)

is published monthly for \$1.80 per year by the Maine State Employees Association, 65 State Street, Augusta, ME 04330. Second-class postage paid at Augusta, Maine and additional mailing offices.

POSTMASTER: Send address changes to The Maine Stater, MSEA, 65, State Street, Augusta, ME 04330.

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Legislation Mandating Divestiture of Retirement System Pension Funds in South Africa has Broad Support

On February 4, the Legislature's Aging, Retirement and Veterans Committee held a public hearing at the State House on **L. D. 86**, a bill to divest Maine State Retirement System pension funds from U.S. companies doing business in South Africa and Namibia.

Over 75 people packed the hearing room to listen to testimony from a variety of people almost entirely in support, including sponsor Rep. Harlan Baker (D-Portland), co-sponsor House Speaker John Martin, and MSEA Legislative Affairs Director John Lemieux. Taking a neutral position in behalf of the Retirement System's Board of Trustees was Trustee Jon Lund.

The bill, which will now be scrutinized by the Committee in work session, is the latest effort to mandate that the Retirement System remove nearly \$120 million invested in companies operating in South Africa. The hearing followed by two days a special meeting of the Retirement System's Board of Trustees, where the decision was made to let the Legislature rule the divestiture issue. Board of Trustees Chairman Dick McDonough was absent from that meeting due to illness.

Following testimony before the Committee, Speaker Martin responded to Committee members' questions by describing the Retirement System's 'prudent man rule' — long the standard for investment of Maine public employee pension funds — as "a fictitious little process."

"Of course, no manager of funds would want to be forced to divest in one day," Martin said, "it ought to be done over an appropriate period of time. The issue is, are we going to get out?"

Co-sponsor Mary Clark Webster (R-Cape Elizabeth) advised the Committee that "Governor McKernan is in agreement with the basic purpose of divestment, and will work with the Committee to see that the State's interest is financially protected."

MSEA's John Lemieux, testifying in favor of the bill, stated that "this legislation represents one step that can be taken to register our disapproval of apartheid with the South African government, the companies that do business there," and with the failed policies of the present U.S. administration.

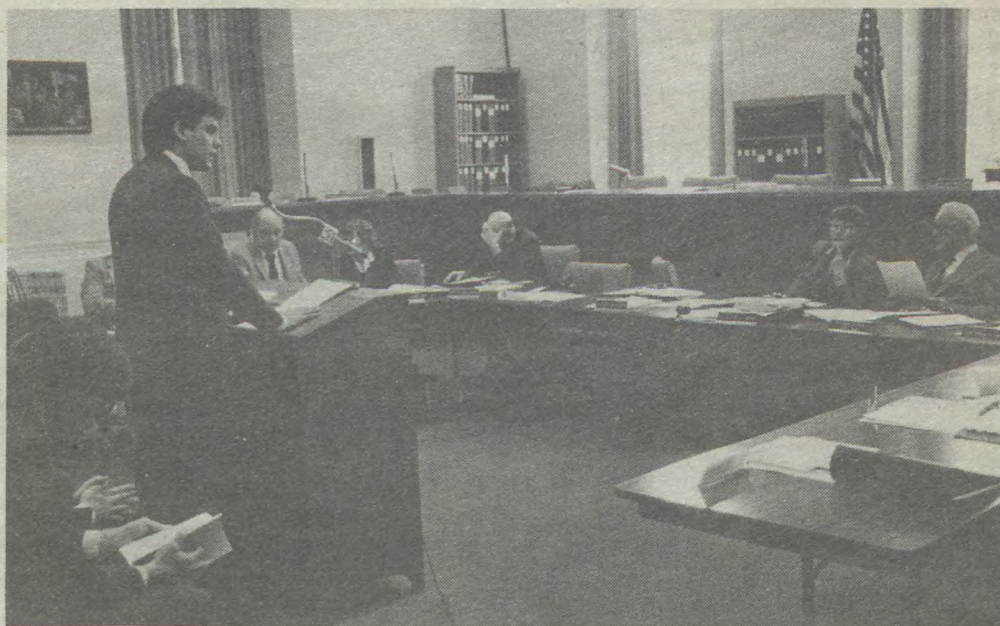
Noting MSEA's position on the bill when first introduced in 1985, that "the Retirement System's investment policy is the province of the Board of Trustees," Lemieux said "we are very disappointed in the Board's abdication of its responsibility on this issue. We believed it could have developed a policy which met the goals of this bill. Instead, it has folded its tent and awaits your mandate."

While L. D. 86 "does not explicitly set aside the 'prudent man rule,' it does place divestiture above all other considerations and thereby implicitly sets aside the 'prudent man rule,'" Lemieux said.

"The legislative approach," he continued, "must be designed to avoid, if possible, the very proper constraints of Article IX, Section 18 of our Maine Constitution which reads in pertinent part:

Section 18. All of the assets . . . of the Maine State Retirement System . . . shall be . . . invested . . . as in trust for the exclusive purpose of providing for such benefits and shall not be encumbered for, or diverted to, other purposes.

"A strict reading of this section would lead to the conclusion that any legislative action which mandates consideration of other purposes in investment decision-making would be prohibited. However, although we are unaware of any relevant court decision or Attorney General's opinion, we feel that this section could be read to permit divestment if the Legislature indemnifies the System for any resulting costs or losses. This Committee should work with the System to identify and fund short-run costs associated with divestment. These constitutional constraints would also require that the Legislature establish a method to identify potential long run losses and a mechanism for funding these expected losses."



MSEA Legislative Director John Lemieux testified in support of L. D. 86 at the Feb. 4 hearing. ARV Committee co-chairs Senator Georgette Berube and Rep. Dan Hickey (right) are among those who listened.

Answering Committee questions, Lemieux said that the 1986 MSEA Convention had passed a resolution in favor of full divestiture if the Retirement System Board did not take action (see "1986 MSEA Convention Resolution, this page).

Members are urged to contact legislators expressing their opinion on L. D. 86, especially those legislators serving on the Aging, Retirement and Veterans Committee (see the January '87 **Stater** Legislative Guide).

Aging, Retirement and Veterans Committee

Senators:

Georgette Berube (D-Androscoggin), Chair
Nancy Randall Clark (D-Cumberland)
Edwin Randall (R-Washington)

Representatives:

Daniel Hickey (D-Augusta), Chair
Francis Perry (D-Mexico)
John McSweeney (D-Old Orchard Beach)
Alexander Richard (D-Madison)
John Jalbert (D-Lisbon)
Lucien Dutremble (D-Biddeford)
Dana Stevenson (R-Unity)
Jean Dellert (R-Gardiner)
Betty Harper (R-Lincoln)
Kenneth Matthews (R-Caribou)

Limitation on use of funds of Maine State Retirement System under Article IX, §18, constitution of the State of Maine.

Section 18. All of the assets, and proceeds or income therefrom, of the Maine State Retirement System or any successor system and all contributions and payments made to the system to provide for retirement and related benefits shall be held, invested or disbursed as in trust for the exclusive purpose of providing for such benefits and shall not be encumbered for, or diverted to, other purposes.

1986 MSEA Convention Resolution on South Africa

The resolution below was submitted to the 1986 Convention in Rockport by the Portland Department of Human Services Chapter and passed as amended by delegates (amendment in bold print) Convention delegate Frank Kadi testified at the February 4 hearing in favor of L. D. 86, the divestiture bill.

THEREFORE, BE IT RESOLVED:

WHEREAS, the MSEA recognizes solidarity with other unions and workers as the cornerstone of the labor movement and that because of slave-like conditions in South Africa under the outlaw system of apartheid, the trade unions of South Africa have called for international economic and political sanctions against that racist government; and

WHEREAS, Congress recently voted to override President Reagan's veto of economic sanctions, thus making investments in South Africa less stable, less prudent;

THEREFORE, BE IT RESOLVED:

That the MSEA shall unite with other private and public sector unions and instruct its representatives on the Maine State Retirement Board to make every effort to fully divest the retirement fund of its investments in companies which have chosen to reap profits from the misery and suffering of these people. **Furthermore, should the Board continue to resist this policy, then the MSEA shall lobby for divestiture legislation, and educate its membership as to those concerns by a continual evaluation of the issue and the dissemination of such information to its electorate.**

1987 Steward Conference: A Prime

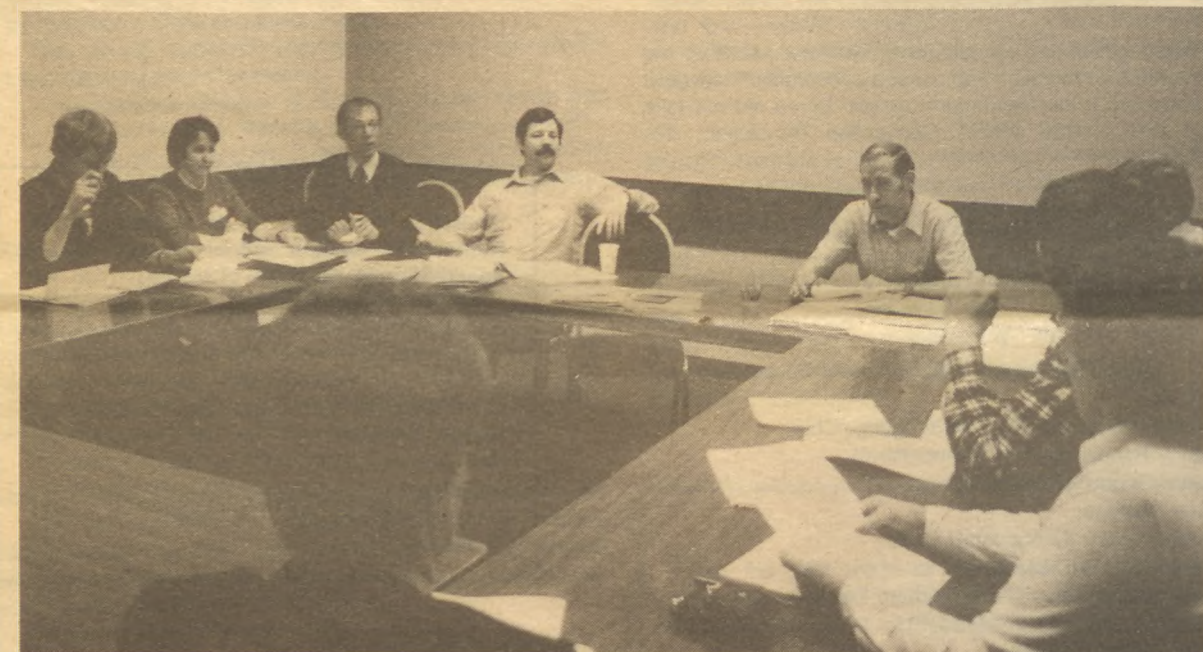
Spending two days in Augusta in the dead of winter discussing Maine public employee grievances and workplace problems may not have the appeal of a weekend at Sugarloaf, but it shows real dedication. More than that, for many the February 20-21 MSEA Steward Conference at the Augusta Civic Center meant taking a vacation day from work to come and learn about protecting the rights of others. That kind of commitment is why the union depends on our stewards throughout Maine. They do the job.

This year's gathering of over eighty stewards, organized by staff member Wanda Ingham, was arguably the best in years. Many new stewards came, and a new training format was used. After an early morning welcome by MSEA President Bob Ruhlin, stewards were offered two Friday morning panel discussions: the first on Health Insurance benefits and the Income Protection Plan; and the second concerning the activities of MSEA's Handicapped Accessibility Committee, now chaired by MSEA member Cathleen Cotton.

Next, stewards met in smaller groups determined by state department in which they work — a useful way of keeping



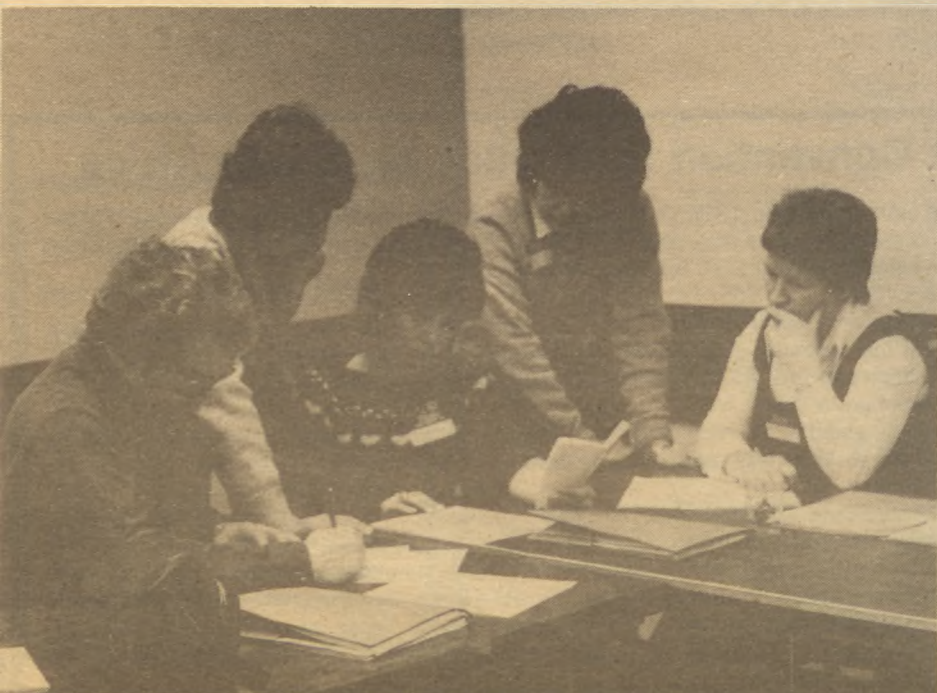
Education & Training Coordinator Wanda Ingham spoke to a large gathering on the all-important subject of grievance handling.



Skeptical listeners: stewards representing 'labor' eye 'management' representatives warily during simulated grievance.



Management vs. labor: stewards took roles representing



Studying contract language.



Chief Counsel Roberta deAraujo (left) spoke about duty to fairly represent all bargaining unit members.

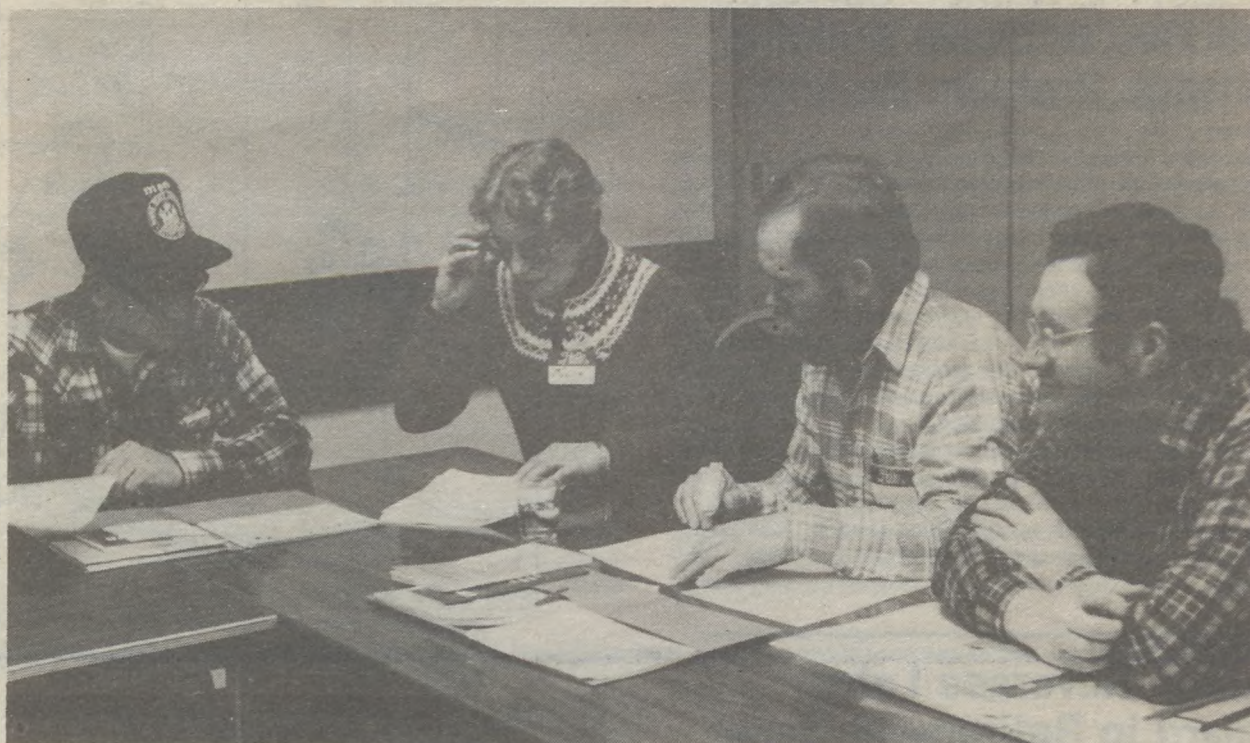
r for Representing Union Members

discussion focused on familiar issues. Afternoon workshops were offered on contract rights of stewards, stress management, sexual harassment, the duty of fair representation, and the Employee Assistance Program.

MSEA Executive Director Phil Merrill addressed those who stayed for Friday supper on union goals for 1987 — in bargaining, in the Legislature, and at the worksite. He praised MSEA's successes during a period of difficulty for many unions and their members nationally.

The next day brought more stewards to the conference to practice grievance handling — for newcomers, and for experienced stewards. A second round of workshops included a look at health issues of the 1980's; office building air pollution and its consequences for employees; and union use of the legislative process.

MSEA plans to write a steward handbook this year as another informational guide to help with the myriad day-to-day problems of the public workplace. Educational information will always be valuable, but people continue to be MSEA's best resource, and the people we count on most are our stewards. They make the union strong.



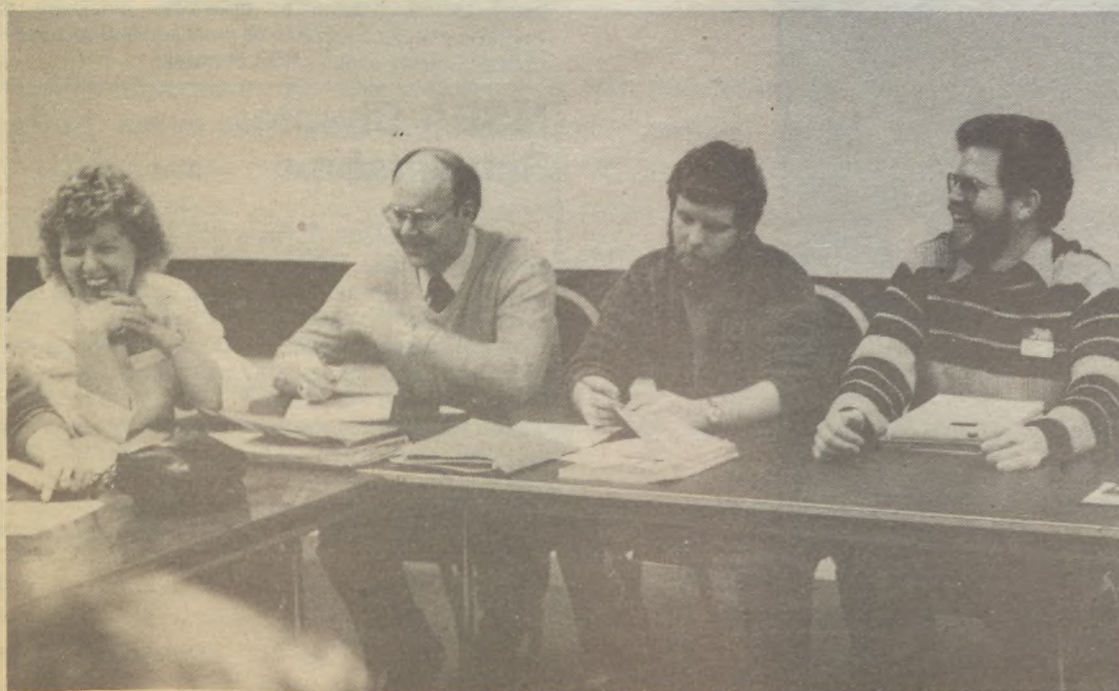
Board Director Eunice Cotton reviews a case with stewards.



Representing both sides in the grievance process.



MSEA Field Rep. John Graham led a workshop on rights of stewards.



It's only funny if you know what you're doing: (l. to r.) Lois Baxter, George Burgoyne, Scott Steitz, and Calvin Hall share a lighter moment during departmental steward meet.

MSEA Summer Institute for Public Sector Union Members Scheduled

The fifth union Summer School for public employees from Maine, New Hampshire, and Vermont has been set for **July 15-18, 1987** at Colby College in Waterville.

Cost will be \$170 (including lodging and meals, tuition and materials); \$130 for those who commute.

According to MSEA staff member Wanda Ingham, the Summer Institute is "designed to help union members become more knowledgeable about the union through education and training. Participants gather to share skills and experience, and discuss current labor issues in the public sector."

Scholarships will be offered for MSEA members. Look for further information in upcoming **Staters**, or call MSEA (1-800-452-8794) and ask for Wanda Ingham.

News In Review

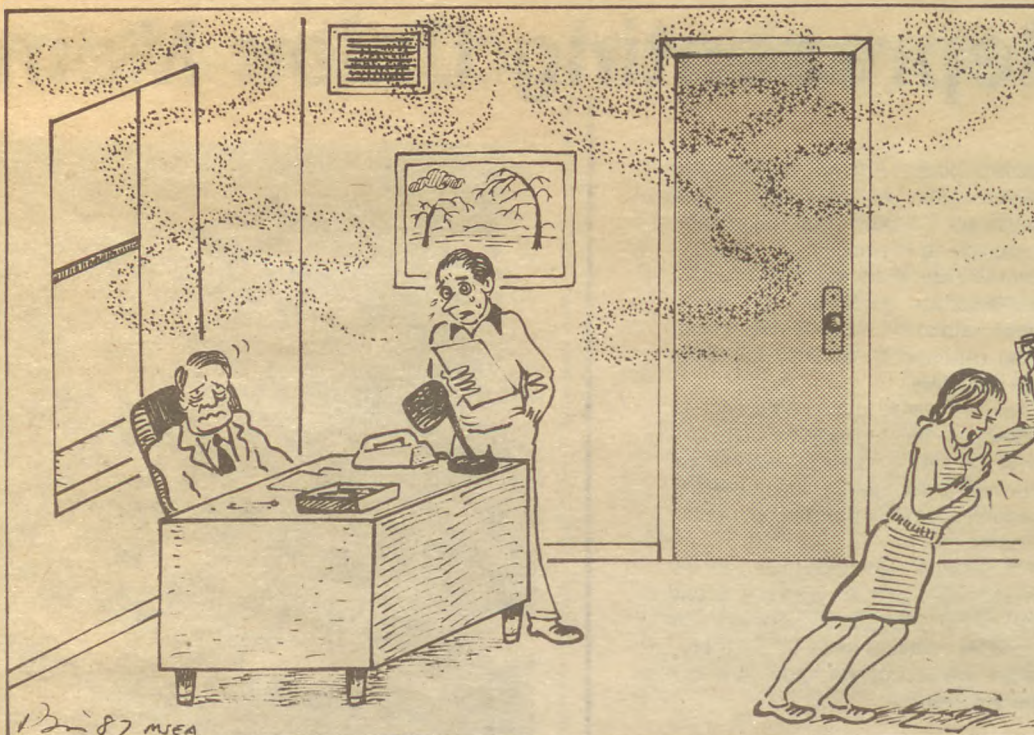
Biddeford Human Services Workers to Leave Building Sewage Problem Behind

By late January, Department of Human Services employees at the office in Biddeford were at the end of their rope. A continuing unpleasant odor in the building, evident since last summer, was causing employees to feel ill, and in two cases, take sick leave from work. Raw sewage found leaking into the basement was the source of the problem.

"We think it's an unhealthy environment," MSEA field rep Ron Ahlquist told the press following a visit to the worksite. When efforts to clean up the problem were unsuccessful, management officials promised the forty employees there that a new location would be found.

Now it has. Employees will be moving into a newly-renovated building in Biddeford in the next two weeks, after an inspection of the premises by the union and state OSHA.

"Our MSEA stewards Wendy O'Brien and Ray Morrow did a fine job; it made dealing with this problem a lot easier," said Ahlquist.



"Management says the poor air quality problem will be resolved when they break the lease on this building, or by the time the State Library is fixed and re-opened, or when we become eligible to retire — whichever comes sooner."

Judge Reverses Labor Board in Retirement Case; MSEA Will Take to State Supreme Court

On January 27, Superior Court Judge Donald Alexander vacated the Maine Labor Relations Board's 1986 decision requiring the state to bargain with MSEA over certain retirement proposals made during 1982 contract negotiations. Though that contract has long since been settled and implemented, and the proposals made already affected by changes in the law, nevertheless the Labor Board ruled last July that the State had violated the law by consistently refusing to negotiate over those retirement proposals. The Labor Board, Chaired by retired State Supreme Court Justice Edward Godfrey, ordered the State to "cease and desist in the future from refusing to bargain over union proposals merely because they relate to pensions and other retirement benefits."

The State appealed the Labor Board ruling, resulting in the Superior Court reversal. According to Justice Alexander, "the clear question presented by this case is whether explicit numbers set out in the retirement statutes which relate to benefit levels and qualifications for retirement may be subject

to collective bargaining, or whether bargaining is precluded because it is "prescribed and controlled by public law."

Alexander agreed with the Labor Board's determination that "the State Employees Labor Relations Act authorizes and in fact mandates bargaining regarding retirement and pension issues." But he ruled that bargaining over the union's proposals (for example, better early retirement benefits) was prohibited by the law's exception for "prescribed and controlled" subjects. The Judge reasoned that "all of the issues in dispute relate to specific numbers established in the retirement statutes about which MSEA seeks to bargain. If anything is prescribed and controlled by statute, these matters are . . ."

"In interpreting statutes," he wrote, "it is well-established that specific limitations prevail over general grants of authority."

MSEA believes, along with the Labor Board, that the State Employees Labor Relations Act clearly does mandate negotiation over retirement issues, and that the law has been amended in the past because of such negotiations, some of which directly concerned the retirement proposals in dispute. Both the union and the labor Board have appealed the case to the State Supreme Court.

It Will Never Happen Again ('Till Next Time)

Employee morale in state agencies and departments is not an easy thing to measure. It depends on many factors — respect from management, effective resolution of workplace problems and grievances, the ability to count on at least some established procedures, are among the most important. When these factors are only haphazardly present, or missing, it's a sure sign that morale will be low.

MSEA contracts stipulate that Department of Transportation employees, among others, who are required to have a telephone at home as a condition of work be paid a \$5 monthly allowance by the state. There are many such employees. In the 1984-86 contract, payment of the allowance was changed at state request from a monthly basis to twice a year — January and July.

In July 1985 no payments were made. In early August, MSEA filed a class action grievance on behalf of employees, and by the end of the month DOT had issued the checks. Commissioner Dana Connors sent a letter to the union resolving the grievance and explaining that changing from a monthly payment basis to just twice a year had been difficult. In addition his letter stated, "I assure you that in the future, eligible employees will receive their telephone expense checks in January and July as the contract stipulates."

Again in January 1987 no checks were in the mail. Again, before a February grievance got too far off the ground, they were finally sent to employees.

This may be a "minor" matter, but a nuisance for employees paying the bills. It's an avoidable problem, one of many factors helping to determine employee morale. Expense checks out in time as promised and as agreed to by contract means avoiding lots of hassle.

MSEA in D.C.



In early February, MSEA leaders and staff were invited to a public sector union conference in Washington, D.C. by the Service Employees International Union. At the conference, MSEA and SEA of New Hampshire held a separate meeting on office building health and safety. SEIU President John Sweeney, speaking in the photo above, visited the joint meeting. Listening to him are Joan Towle, MSEA staff; David Hughes, SEA of New Hampshire's second vice-president; and Mary Anne Turowski, MSEA Board Director.

MSEA Chapter Scholarships

A number of MSEA chapters offer scholarships to chapter members and their families. As a rule, each chapter has a committee to decide winners based on the same standards established for the statewide MSEA scholarships. Members who wish to apply for chapter scholarships may use the same application used for the statewide scholarships (see this issue), and send the required information to MSEA c/o the chapter scholarship — or give the information to your chapter president. Check with your chapter leadership for deadlines.

The following chapters have established scholarships for 1987 and have asked that they be publicized in the **Maine Stater**.

Capitol Chapter	\$300
Central Maine Chapter	\$300
Cumberland Chapter (the "David Lozier" Scholarship)	\$500
Penobscot Chapter	\$800
Washington Chapter	\$250
Central Aroostook Chapter	\$300

APPLICATION FOR 1987 MSEA SCHOLARSHIPS

The 1987 MSEA Scholarship Committee, chaired by Debbie Matson of Litchfield, is accepting applications for **twelve** annual scholarships and **three** scholarships for part-time educational programs.

APPLICATIONS WITH ALL REQUIRED MATERIALS MUST BE RECEIVED BY APRIL 13, 1987.

Applications for the twelve annual scholarships will be considered **only** from sons and daughters of MSEA members who are entering post-high school educational or vocational programs for the first time **or** MSEA members who are in or have been accepted into a degree program.

Nine scholarships will be apportioned so that three will be awarded for each MSEA area. The Dr. Howard L. Bowen will be awarded for \$1,000, the Murray L. Brown for \$500 and the George A. Davala for \$500. One \$300 scholarship in each area will be awarded to a student attending a Vocational Technical Institute, provided there is an applicant. If there is no applicant from an area, that scholarship may be awarded to a qualified applicant from another area. The VTI applicants will first be considered along with the other applicants for the nine scholarships mentioned above; if not selected to receive one of those scholarships, they will then be considered for

the VTI scholarships. Each of the above scholarships will be payable one-half during the first semester or partial year, and one-half during the second semester of the recipient's first year in post secondary school.

All awards will be made payable to the treasurer or bursar of the school in which the recipient becomes enrolled.

The members of the Scholarship Committee from each area will screen applications from other areas.

Basis for awarding these scholarships will be:

1. Character
2. Leadership Qualities
3. Service to Others
4. Financial Need
5. Scholastic Ability and Initiative

Each item will receive a numerical rating; the total of these ratings determines the success of the application.

Personal interviews may be required by the Committee if needed.

THREE PART-TIME EDUCATION SCHOLARSHIPS

MSEA is also offering scholarships to MSEA members enrolled in part-time educational programs. Three scholarships, one for each geographical area, in the amount of \$250

each will be awarded. The selection process will be handled in the same manner and at the same time as the scholarships offered to sons and daughters of MSEA members who are in degree programs.

REQUIREMENTS FOR ALL SCHOLARSHIPS

(1) A transcript of your high school record; (2) a statement or personal letter indicating reasons for making application; (3) an itemized statement of your and, if you are a dependent, your parents' or guardians' financial resources and outstanding obligations, **AND** Page 1 of their 1986 Federal Income Tax statement (all to be held in strict confidence); (4) a description of your extracurricular activities; and (5) references as noted on your application. Items 4 and 5 should contain information on character, leadership, and service to others and any other information which indicates why this applicant should be considered. **It will be the responsibility of the applicant to be sure all of the references required (one scholastic and one non-scholastic, non-relative) are received by April 13, 1987.**

Applications must be mailed to Maine State Employees Association, 65 State Street, Augusta, Maine 04330, so that they will be received by **April 13, 1987**. Additional applications are available from MSEA Headquarters.

APPLICATION FOR THE DR. HOWARD L. BOWEN, THE MURRAY BROWN, AND THE GEORGE A. DAVALA MSEA SCHOLARSHIPS

THIS APPLICATION FORM MAY ALSO BE USED FOR THE THREE PART-TIME EDUCATIONAL PROGRAM
SCHOLARSHIPS AND THE THREE VTI SCHOLARSHIPS

FULL NAME _____ DATE OF BIRTH _____

MAILING ADDRESS _____

LEGAL ADDRESS (if different from above) _____

*FATHER'S/GUARDIAN'S NAME _____

ADDRESS _____

OCCUPATION _____

YEARLY INCOME FROM ALL SOURCES _____

NAMES, AGES AND RELATIONSHIP OF DEPENDENTS _____

*MOTHER'S/GUARDIAN'S NAME _____

ADDRESS _____

OCCUPATION _____

YEARLY INCOME FROM ALL SOURCES _____

NAMES, AGES AND RELATIONSHIP OF DEPENDENTS (if different from Father's) _____

*If not a dependent, use above spaces for own and spouse's information.

INCOME FROM ALL SOURCES (if additional to parents) _____

TO WHICH MSEA CHAPTER DO YOU OR YOUR PARENT(S) BELONG _____

HAVE YOU BEEN ACCEPTED FOR POST-HIGH SCHOOL EDUCATION _____

DATE OF ACCEPTANCE _____ NAME OF SCHOOL _____

ADDRESS OF SCHOOL _____

WHAT COURSE DO YOU PLAN TO TAKE _____

LENGTH OF THIS COURSE (years, months, etc.) _____

NAME OF HIGH SCHOOL FROM WHICH YOU ARE TO BE OR HAVE GRADUATED OR POST SECONDARY SCHOOL LAST ATTENDED _____

NAME OF GUIDANCE DIRECTOR OR ADVISOR AND ADDRESS _____

REQUIRED REFERENCES: One scholastic and one non-scholastic (a non-relative). No Application will be considered unless requirements 1 through 4 are met. Applicants not meeting requirement 5 will still be considered, however, their final rating may be affected. (Note additional requirements) **PLEASE NOTE: It will be necessary for you to ask each of your references to send his/her letter of recommendation to the Chairperson of the MSEA Scholarship Committee.** Application and accompanying data should also be mailed to the Chairperson of the MSEA Scholarship Committee, 65 State Street, Augusta, Maine 04330.

The Birth of Public Sector Unions and President Kennedy's Executive Order, 1962

January marks the 25th anniversary of President John Kennedy's Executive Order 10988, which stimulated the unionization of public employees in federal and local governments.

Today, we take for granted that public sector workers can be organized into trade unions. Only when a crisis occurs, such as the PATCO strike in 1981, do we realize the limitations on the public employees' ability to organize unions and negotiate contracts.

Public sector unionism has a long history. In fact, one of the earliest public sector strikes occurred when Philadelphia Navy Shipyard workers walked off the job for several weeks in 1836 in order to gain the 10-hour day.

The oldest continuous federal government union is probably the National Association of Letter Carriers which was founded in 1890. On the state and local level, the honors go to the Philadelphia local of the International Association of Fire Fighters which has been around since 1903.

Where public employees have organized in various trades or crafts prior to 1962, most have been able to maintain themselves as unions because of their bargaining power. Transit workers in New York city could win contracts and maintain a high degree of union solidarity because of the importance of the industry to the economy of New York. Police officers and firefighters in cities and towns also wielded tremendous power because of the sheer importance of their work.

The key element in organizing public employees has been the 1962 Executive Order of President John F. Kennedy. As a senator, Kennedy had sponsored legislation for federal employee organizations. In 1961, when he became president, Kennedy appointed a task-force to study public sector labor relations. The group reported back that there was an absence of policy and recommended action.

On January 17, 1962, Kennedy signed Executive Order 10988 which provided for long-needed policy reform for federal workers who wanted to organize into trade unions. The Order recognized the rights of executive branch federal employees to join or not to join labor organizations and established basic procedures for granting union recognition and the negotiation of agreements.

The subjects of collective bargaining were limited to "personnel policy and practices and matters affecting working conditions." Salaries and wages set by congressional act, for example, were not subject to bargaining. Unlike private employers, government agencies under the Order and subsequent legislation are granted greater management rights. For federal employees, the right to strike remains barred.

Executive Order 10988 was replaced by other presidential orders and by a Federal Service Labor-Management Relations Statute included in the Civil Service Reform Act of 1978. Meanwhile, the Postal Reorganization Act of 1970 reformed labor relations in that industry.

What is important about Kennedy's original Order of 1962 is the lightning effect it had on organizing drives among federal, state, and municipal employees. The order served as a signal to organize public workers much as the Wagner Act of 1935 stimulated the growth of industrial union membership

in the CIO and the AFL. The effect of Executive Order 10988 was to send public sector union membership rolls soaring.

Prior to 1962, only 26 union or association units in the executive branch of the federal government had union shops and they represented 19,000 workers. Six years after the Kennedy Order, in 1968, there were 2,305 bargaining units with a total membership of 1.4 million employees.

A number of unions represent federal workers, the largest being the American Federation of Government Employees (AFGE). From 1962 to 1972, the AFGE grew from 84,000 members to 621,000. The Postal Workers and the Letter Carriers also experienced growth in that period.

For state and local public employees, the 1962 Kennedy Order also stimulated growth in unionization although the Order did not apply to them directly. While union membership grew, this did not mean that all state or local governments recognized or bargained with unions.

Some states, like New York and more recently Ohio, passed comprehensive bargaining laws. At the other extreme, in Texas, it is illegal for a public agency to sign a contract with a public employee union. In fact, Texas law forbids recognition of a union as a bargaining agent for any group of public employees except police and firefighters.

In one case, it took a tragedy to convince local authorities to pass an ordinance governing public employee bargaining. The Rev. Martin Luther King, Jr. was assassinated while in Memphis supporting striking sanitation workers who wanted to establish the right of their union to negotiate wages and working conditions. There was no local machinery at the time for collective bargaining with public employees.

Those states with laws on the books each handle public employees differently. Pennsylvania allows public employees to strike, but New York's Taylor Law, which governs public sector bargaining, exacts a heavy toll if a union calls a walkout.

Many unions represent workers at the local level. Organizing at the local and municipal level has expanded considerably in recent years. The largest and one of the oldest of these unions is the American Federation of State, County, and Municipal Employees (AFSCME), which was founded in 1932 in Wisconsin. Other unions include the American Federation of Teachers, the International Association of Fire Fighters, a number of police unions, the National Education Association, the Service Employees International Union, and many state employee associations.

To service public employee unions and assist in lobbying efforts, the AFL-CIO created a Public Employees Department in 1974.

Labor History Series

MSEA is featuring a labor history series from time-to-time in the **Stater**.

These articles, written by members of the New York State Labor History Association, provide a continuing source of information for this central but often-neglected feature of U.S. History.

Health-tex Workers Fighting for Their Jobs

On January 29, 1987 the Health-tex Corporation announced the March 31 closing of plants in Portland, Brunswick, and Gardiner, Maine, and in Petersburg, Virginia. Some 1,000 Maine workers, predominantly women, would be affected by this surprise move.

Maine Will Pay

Health-tex has already laid off over 600 workers and begun removing machinery from the plants. Their union sees these actions as violating the Maine plant closing law, which requires 60 days notice of a closing. It also believes they violate the union contract, which prohibits subcontracting of work from Maine plants.

If Health-tex is allowed to carry through its intention of closing, there will be a long-term, devastating impact — not only on the workers and their families, but on the entire State of Maine.

The Maine Department of Labor estimates that the immediate annual economic loss from the closings will be **\$33.5 million**. This figure does not even take into account additional burdens that will have to be shouldered by the people of Maine: unemployment costs, job retraining, welfare costs, and other social costs that follow the tragedy of plant

closings.

For these reasons, the union and the State of Maine have taken legal action to stop Health-tex from closing the plants, and the workers have vowed unanimously to do everything possible to save their jobs.

Lack of Good Faith

In meetings with the union, Health-tex officials gave little forewarning of the crisis that loomed. Suddenly, on January 29, they announced the closing, citing an "over-capacity of production facilities" and the high cost of doing business in Maine.

In recent years, the union has noted an increasing expansion of production in the South, including the purchase several years ago of four plants in the South. Was it a mistake to expand into these new plants?

Help Talk Health-tex Into Staying; Write:

Mr. Robert Breakstone, President
Health-tex, Inc.
1411 Broadway
New York, New York 10018
(212) 840-0333

(Send a copy to the Amalgamated Clothing & Textile Workers Union (ACTWU), 142 High St., Room 330, Portland, Maine, 04101). — From information provided by ACTWU.



Sign of the times: An MSEA member expresses her opinion about bargaining in the fall of 1981, during negotiations for the second, hard-won state worker contract.

Maine State Workers Gain Bargaining Rights

In the spring of 1974, the Maine Legislature passed the **State Employees Labor Relations Act**, granting the right to collective bargaining to Maine's state workforce. MSEA, founded in 1943 and already active as an employee voice at the workplace, immediately began a campaign (as did other unions) to win bargaining unit elections to represent state employees under the new law.

The remarks below are reprinted from the April, 1974 **Maine Stater**, written by then-Executive Director David G. Carnevale.

The Maine Senate, during the closing hours of the 106th Special Session, gave final approval to a bill granting collective bargaining rights to more than 12,000 state employees.

The measure allows State employees to bargain for pay raises, fringe benefits and improved working conditions. All "cost items" must be submitted to the Legislature for approval.

The bill was amended four times before receiving final approval. Amendments were added to prevent negotiations from beginning until January 1, 1975; the "fair share" agency shop provision was deleted; a "savings clause" to insure the constitutionality of the bill was added, and a final amendment severed "last best offer" arbitration from the bill. Various labor groups elected to sustain their support for the bill despite the several amendments believing that on balance the legislation represented a major breakthrough for State employees. . . .